

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P.No.6919 of 2007

Date of Decision: May 10, 2007

Jagraj Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR.

HON'BLE MR.JUSTICE L.N.MITTAL.

**Present: Mr.D.S.Pheruman, Advocate,
for the petitioners.**

J.S.KHEHAR,J.(Oral)

The petitioners were appointed as Special Police Officers. They were, however, deputed to discharge their duties at the Depots of Food Corporation of India. Their services, however, came to be dispensed with by an order dated 12.01.2000(Annexure P-15). The petitioners impugned the action of the respondents in terminating their services by filing CWP No.11900 of 2000. The aforesaid writ petition, however, came to be dismissed on 05.09.2000. The order passed by this Court in CWP No.11900 of 2000 was affirmed by the Apex Court on 25.08.2004.

Although the stand adopted by the petitioners in CWP No.11900 of 2000 was that they were employees of Food Corporation of India, the aforesaid factual position was controverted at the behest of the respondents. It is also necessary to notice that the

petitioners had arrayed the following respondents as well in CWP No.11900 of 2000:-

- “1. State of Punjab
through the Home Secretary
Home Department Chandigarh.
2. Director General of Police
Punjab Chandigarh.
3. Senior Superintendent of Police,
Tarn Taran.
4. SHO Police Station (City)
Tarn Taran, District Amritsar”.

For the same relief as was sought by the petitioners through CWP No.11900 of 2000, they have chosen to file the instant writ petition by now asserting that they were in fact the employees of the State Government. In our considered view, the instant claim raised by the petitioners deserves to be rejected for two reasons. Firstly, the services of the petitioners were terminated in the year, 2000 and the instant writ petition has been filed in the year, 2007 after a lapse of 7 years from the passing of the impugned order and as such, the instant writ petition is not maintainable for the reasons of delay and laches. Secondly, Section 11 of the Code of Civil Procedure which enunciates the principle of res judicata precludes the petitioners to raise a plea which they could have raised against the impleaded respondents in the original writ petition.

For the reasons recorded here-in-above, we find no merit in this writ petition and the same is accordingly dismissed.

(J.S.KHEHAR)
JUDGE

(L.N.MITTAL)
JUDGE

May 10, 2007
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